



Federal Communications Commission  
Washington, D.C. 20554

February 4, 2014

**DA 14-123**

**Released: February 5, 2014**

Pentecostal Revival Association, Inc.  
115 Harrell Lane  
Palatka, Florida 32177

Re: Forfeiture Order on Reconsideration,  
WJGV-CD, Fac. ID No. 52240  
NAL/Acct. No. 201341420024

Dear Licensee:

**Background.** On September 23, 2013, the Video Division released a Forfeiture Order, DA 13-1945, in the above-captioned matter.<sup>1</sup> At the time of the issuance of the Forfeiture Order, the staff reviewing this matter had not received the Licensee's timely filed response to the Notice of Apparent Liability in this matter. In accordance with Commission Rule 1.108,<sup>2</sup> the Video Division hereby reconsiders the Forfeiture Order in light of the Licensee's response.<sup>3</sup> The Video Division ultimately concludes, after careful review of the Licensee's response, that the Licensee is liable for a forfeiture of Six Thousand Five Hundred Dollars (\$6,500).

The factual findings and discussion included in the Forfeiture Order are incorporated by reference herein.<sup>4</sup> The Licensee filed a timely response on August 12, 2013 and supplemental responses on September 12, 2013 and December 17, 2013.

**Discussion.** In its response, the Licensee admits the violations but argues that it cannot afford to pay the forfeiture.<sup>5</sup> The Commission will not consider reducing or canceling a forfeiture in response to a claimed inability to pay unless the licensee submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ("GAAP"); or (3) some other reliable and objective documentation that accurately reflects the licensee's current financial status. Typically, the Commission uses gross revenue as the primary measuring stick by which it evaluates a licensee's ability to pay.<sup>6</sup> Here, the Licensee provided financial documentation in an effort to support its argument that it cannot pay the forfeiture amount.<sup>7</sup>

In the NAL, the Video Division proposed a forfeiture amount of \$15,000. Having carefully reviewed the Licensee's submitted documentation, we reduce the forfeiture to \$6,500, and we conclude the

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<sup>1</sup> *Pentecostal Revival Association, Inc.*, Forfeiture Order, DA 13-1945 (Sept. 23, 2013).

<sup>2</sup> 47 C.F.R. § 1.108.

<sup>3</sup> We requested, and the Licensee provided, additional information to evaluate the Licensee's claim that it lacked the financial resources to pay the forfeiture amount.

<sup>4</sup> *Pentecostal Revival Association, Inc.*, Forfeiture Order.

<sup>5</sup> *Pentecostal Revival Association, Inc.*, First Response to NAL (Aug. 12, 2013) at 2-3; Third Response (Dec. 17, 2013) at 1-5.

<sup>6</sup> *San Jose State University*, Memorandum Opinion and Order, 26 FCC Rcd 5908 (2011).

<sup>7</sup> The Licensee submitted bank statements for 2010-2012. The Licensee further requested that the statements be treated as confidential pursuant to Section 0.457(d)(2) of the Commission's Rules. Licensee First Response at 2-3; Licensee Third Response at 5-8.

revised forfeiture amount is in line with previous forfeitures the Commission has determined are not excessive relative to the Licensee's ability to pay.<sup>8</sup>

Accordingly, **IT IS ORDERED ON RECONSIDERATION** that, pursuant to section 503(b) of the Communications Act of 1934, as amended, and Sections 0.61(f)(1) and 1.80(a)(1)&(2) of the Commission's rules,<sup>9</sup> Pentecostal Revival Association, Inc. SHALL FORFEIT to the United States the sum of six thousand five hundred dollars (\$6,500) for repeatedly violating 47 C.F.R. § 73.3526(e)(11)(iii).

In the event that the Licensee wishes to revert WJGV-CD to low power television status, the Licensee need only notify us of this election and request a change in status for the station.<sup>10</sup> Should the Licensee elect to revert the station to low power status, the Licensee would no longer be apparently liable for the forfeiture amount described herein.

Payment of the forfeiture shall be made in the manner provided for in Section 1.80 (h) of the Commission's rules within thirty (30) calendar days after the release date of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Communications Act of 1934, as amended. The Licensee shall send electronic notification of the payment to Peter Saharko at [peter.saharko@fcc.gov](mailto:peter.saharko@fcc.gov) on the date payment is made.

The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the "FORF" in block number 24A (payment type code). Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc:

Nathaniel J. Hardy  
Marashlian & Donahue, LLC  
1420 Spring Hill Road, Suite 401  
McLean, Virginia 22102

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<sup>8</sup> *Hoosier Broadcasting Corporation*, Memorandum Opinion and Order, 15 FCC Rcd 8640, 8641 (EB 2002) (forfeiture not deemed excessive where it represented approximately 7.6 percent of the violator's gross revenues); *Bruno Goodworth Network, Inc.*, Forfeiture Order, DA 13-1585, 2013 WL 3777827 (Vid. Div. Jul. 18, 2013) (forfeiture amount reduced to approximately 7 percent of the violator's gross revenues); *Harpole Telecom, Inc.*, DA 14-12 (Vid. Div. Jan. 7, 2014).

<sup>9</sup> 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.61(f)(1) & 1.80(a)(1)&(2).

<sup>10</sup> See 47 C.F.R. § 73.6001(d).